

Ex. 7(A) and unrelated matter

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- Discussion with Louisiana Generating, LLC About EPA's Information Request for BART Determinations for Louisiana Regional Haze
- Administrator Signs Order Responding to Petitions Requesting EPA Objection to CAA Title V Operating Permits for the Shell Chemical Plant and Shell Oil Refinery, co-located in Deer Park, Harris County, Texas

Region 7

- Region 7 enters Consent Agreement and Final Order with Iowa Fertilizer Company, Iowa Fertilizer Company, LLC, and Orascom E&C USA, Inc. for CWA Section 402 violations

Region 8

Ex. 7(A)

- Region 8 Issues Administrative Order to Knapp's WYCOLO Lodge for SDWA Violations in Albany County, Wyoming
- Region 8 Issues Administrative Order to U.S. Department of Agriculture, Unita-Wasatch-Cache National Forest For SDWA Violations in Wasatch County, Utah
- Region 8 Issues Compliance Order to High Plains Motors, Inc. for Alleged Violations of the RCRA Hazardous Waste Program on the Fort Peck Indian Reservation
- Regional Judicial Officer Incorporates Combined Complaint and Consent Agreement Settling CWA Stormwater Construction Violations into a Final Order
- Region 8 Issues Two UAOs in Connection with the Anaconda Smelter NPL Site in Montana
- Region 8 Settles EPCRA and CAA Actions Against Nicholas and Co., Inc.
- Region 8 Settles TSCA Case with Fortune Homes, Inc. for Violations of Lead-based Paint Renovation, Repair and Painting Standards
- EPA Region 8 Enters Into Administrative Order on Consent with Clearwater Holdings, LLC, to Address CWA Violations in Utah County, Utah

Region 9

- Region 9 Settles TSCA Inventory Update Case Against American Vanguard Corporation
- Region 9 Settles SDWA Administrative Penalty Action Against Vacation Inns International, Inc.
- Region 9 Resolves Penalty and Compliance Actions Against Public Water System in Arvin, California
- Region 9 Settles Two CAA 112(r) Cases With Guam Petroleum Storage Facilities
- Region 9 Settles East Bay Municipal Utility District RCRA Case
- Region 9 and Hawaii Department of Health Reach Agreement with U.S. Navy and Defense Logistics Agency Regarding UST Requirements
- Region 9 and DOJ Lodge Consent Decree for Del Amo Superfund Site OU-1

Region 10

- Federal District Court Enters Consent Decree with Suellyn Rader Blymyer and Uptrail Group, LLC for CWA 404 Violations
- Region 10 Settles with Unified Grocers, Inc., for CERCLA, EPCRA, and CAA 112r Violations
- Region 10 Settles with ConAgra Foods Lamb Weston, Inc. for CWA Violations
- Region 10 Settles with Shianne and Jason Minekime for CWA Violations

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Region 8

Regular Highlights:

Enforcement and Compliance Assurance Issues

Confidential items:

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Non-confidential items:

Region 8 Issues Administrative Order to Knapp's WYCOLO Lodge for SDWA Violations in Albany County, Wyoming

Knapp's WYCOLO Lodge Public Water System (System), located in Albany County, Wyoming, serves approximately 75 individuals daily at least 60 days of the year using a groundwater source. On September 23, 2015, Region 8 issued an administrative order alleging that the System violated EPA's National Primary Drinking Water Regulations regarding nitrate and coliform monitoring requirements, as well as associated public notice and reporting requirements. The EPA, rather than the State of Wyoming, took this action because Wyoming has not applied for primary authority to enforce the public water supply protection program. Contact: Mia Bearley, Attorney, (303) 312-6554.

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Region 8 Issues Administrative Order to U.S. Department of Agriculture, Unita-Wasatch-Cache National Forest For SDWA Violations in Wasatch County, Utah

The Aspen Grove Campground Public Water System (System), located in Wasatch County, Utah, serves approximately 25 individuals daily at least 60 days of the year using a groundwater source. On September 23, 2015, Region 8 issued an administrative order alleging that the System violated the EPA's National Primary Drinking Water Regulations regarding nitrate monitoring requirements and a failure to correct significant deficiencies, as well as associated public notice and reporting requirements. The EPA, rather than the State of Utah, took this action because after the EPA provided the State with a notice of violation letter regarding the System and a 30-day period within which to bring an enforcement action, Utah declined to bring an enforcement action. Contact: Mia Bearley, Attorney, (303) 312-6554.

Region 8 Issues Compliance Order to High Plains Motors, Inc. for Alleged Violations of the RCRA Hazardous Waste Program on the Fort Peck Indian Reservation

On September 29, 2015, Region 8 filed a Compliance Order and Notice of Opportunity for Hearing (Order) to High Plains Motors, Inc., an automobile dealership and service center located within the exterior boundaries of the Fort Peck Indian Reservation. The Order addresses violations discovered during a July 2015 inspection, which include failure to comply with used oil requirements, failure to make hazardous waste determinations, and treatment of hazardous waste without authorization. The Order will require compliance with RCRA generator requirements and used oil regulations in the future. The State of Montana has been notified of this enforcement action. Contact: Abigail Dean, Attorney, (303) 312-6106.

Regional Judicial Officer Incorporates Combined Complaint and Consent Agreement Settling CWA Stormwater Construction Violations into a Final Order

On August 19, 2015, Region 8 and Acme Paving Company, Inc., filed a combined complaint and consent agreement (CCCA) proposing to settle the EPA's allegations that Acme violated a NPDES permit for stormwater discharges associated with construction activities issued to Acme by the State of North Dakota for a construction project near Williston, ND. Acme agreed to pay \$30,962 to settle the allegations. Also on August 19th, Region 8 initiated a 30 day public comment period. No comments were received. On September 28, 2015, the RJO incorporated the CCCA into a final order. Contact: Chuck Figur, Attorney, (303) 312-6915.

Region 8 Issues Two UAOs in Connection with the Anaconda Smelter NPL Site in Montana

On September 24, 2015, Region 8 issued two UAOs in connection with the Anaconda Smelter NPL site in Montana. The two UAOs are for 1) lead in yards and lead and arsenic in attics in Anaconda, at the Community Soils OU and 2) soils with lead and arsenic in agricultural land near and along Warm Springs Creek and the stream banks of Warm Springs Creek, east of Anaconda, at the Warm Springs Creek OU. Counsel for AR have been expecting these UAOs and have indicated that Atlantic Richfield (AR) will respond with "intent to comply" letters in the near future. Contact: Andy Lensink, Attorney, (303) 312-6908.

Region 8 Settles EPCRA and CAA Actions Against Nicholas and Co., Inc.

On September 29, 2015, Regional Judicial Officer Elyana R. Sutin issued a final order approving an Expedited Settlement Agreement (ESA) between the EPA and Nicholas and Co., Inc. for alleged violations of the Emergency Planning and Community Right-to-Know Act (EPCRA). Nicholas and Co., Inc. owns and operates a cold storage warehouse facility located in Salt Lake City, Utah. In the ESA, the EPA alleged that Nicholas and Co., Inc. violated the requirement to file inventory reports for hazardous chemicals as required by § 312 of EPCRA, 42 U.S.C. § 11022. Specifically, the EPA alleged that Nicholas and Co., Inc. failed to file inventory reports for diesel fuel and diesel exhaust fluid stored at its facility. Nicholas and Co., Inc. agreed to pay an administrative penalty of \$2,000 to settle the matter.

On September 16, 2015, Regional Judicial Officer Elyana R. Sutin issued a final order approving an ESA between the EPA and Nicholas and Co., Inc. for alleged violations of the Clean Air Act (CAA) § 112(r). In the ESA, the EPA alleged that Nicholas and Co., Inc. violated CAA section § 112(r)(7) and various provisions at 40 C.F.R. part 68 by failing to: (1) document that equipment complies with generally accepted good engineering practices; (2) perform periodic inspections of shut-off valves; (3) adequately document inspections of pressure vessels and refrigeration system piping, and; (4) adequately correct surface corrosion of ammonia piping. Nicholas and Co., Inc. agreed to pay \$4,800 to settle the matter. Contact: Jessica Portmess, Attorney, (303) 312-7026.

Region 8 Settles TSCA Case with Fortune Homes, Inc. for Violations of Lead-based Paint Renovation, Repair and Painting Standards

On September 28, 2015, Regional Judicial Officer Elyana R. Sutin issued a final order approving an Expedited Settlement Agreement (ESA) between the EPA and Fortune Homes, Inc. In the ESA, the EPA alleged that Fortune Homes, Inc. had violated § 409 of the Toxic Substances Control Act by performing a renovation of target housing in Colorado Springs, Colorado without having Lead-based Paint Renovation, Repair and Painting requirements (RRP) in place. The EPA alleged that Fortune Homes, Inc. had performed a renovation without initial certification and had failed to keep records necessary to demonstrate compliance with RRP. Fortune Homes, Inc. agreed to pay \$400 to settle the matter. Contact: Jess Portmess, Attorney, (303) 312-7026.

EPA Region 8 Enters Into Administrative Order on Consent with Clearwater Holdings, LLC, to Address CWA Violations in Utah County, Utah

On September 29, 2015, EPA Region 8 entered into an administrative order on consent with Clearwater Holdings, LLC, to address unauthorized discharges of dredged and fill material to wetlands adjacent to Utah Lake and the Spanish Fork River. The discharges occurred in or around October of 2013, when Clearwater, or persons acting on its behalf, filled and/or graded wetlands, creating berms by pushing material from wetlands along the eastern shore of Utah Lake and the southern shore of the Spanish Fork River into piles along the water's edge. Wetlands east of the berm along Utah Lake were cleared and graded, and drainage ditch construction with sidecasting into the wetlands occurred. Clearwater did not obtain a Clean Water Act section 404 permit from the U.S. Army Corps of Engineers prior to performing the work. The AOC incorporates a restoration plan that specifies compliance measures to correct the

environmental damage resulting from the unauthorized discharges. Contact: Wendy Silver,
Attorney, (303) 312-6637.

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